

# The Guardian

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## A FEW HINTS ON EVIDENCE

Most people know that the word evidence signifies all the ways and means of proving the truth or falsity of any disputed question or issue of fact. It is also generally believed that there are two kinds of evidence—direct or positive evidence and indirect or circumstantial evidence.

As an instance of direct evidence the books mention the testimony of a witness that he saw A kill B by means of a gunshot, and as an instance of circumstantial evidence where a jury finds A's guilt from the following circumstances: That A was B's enemy; that shortly before, he had threatened B's life; that A owned a gun that was found concealed near the scene of the homicide; that the wadding of the gun was part of a letter addressed to A, the counterpart being found in his possession just after the killing, each circumstance itself being satisfactorily proved.

But instead of these circumstances, let us suppose A on trial for the same offense and the following circumstances given in evidence against him: That A was a Frenchman and B a Dane; that A was a monarchist and B a democrat; that a neighbor of A owned a gun. This will serve to show the reason of the following common test on circumstantial evidence: Would any number of the circumstances offered convince?

Most circumstances are necessarily brought to the attention of court and jury by witnesses, and all witnesses may err and falsify. But some circumstances spring out of the case. A man was on trial for stealing a suit of clothes from an express office. Another man had given his order to a tailoring agent in Chicago to have the suit made and sent by express. The alleged owner testified he had ordered just such a suit as the one shown in court, was asked but few cross-questions, and the prosecution excused him from the case without attempting to show that the clothes fitted him. As he was going out of the door the attorney for the defendant called to him to try on the coat. He put it on and it lacked about four inches of meeting in front. The court directed a verdict of acquittal. The defendant in a criminal case testified that he was near the scene of the offense about an hour after dark feeding his hens. The prosecuting attorney asked only one cross-question: "Do hens eat after dark?" It convicted the accused on the first ballot.

The great danger in cases of circumstantial evidence is generalizing from insufficient data, deciding on unfit or too few circumstances, "jumping to conclusions." The law excludes four classes of facts which are first and most confidently accepted by the average layman. These are: Character, hearsay, opinion and acts similar to, but disconnected with those in controversy.

The following synopsis of a dialogue between a complaining witness and a prosecuting attorney is typical and common: "I want A prosecuted for horse stealing. He's sure guilty." "How do you know he's guilty?" "Because he's crooked." "The state can't show his bad character until he offers evidence of his good character. But how do you know he's crooked?" "B told me that C told him that A was suspected of stealing back east."

By the word "circumstances" is meant such evidential facts as those first above mentioned in the trial of A for killing B. It literally means "things standing around." The words "res gestae" literally mean "things done," and now mean the most remote, characterizing or coloring circumstances of a case. A "case" is at bottom based on the idea or figure of three concentric circles of evidential facts, with the main issues of law and fact at the center. The inner circle stands for direct evidence, the middle for cir-

cumstantial and the outer for res gestae. All our general notions are trite metaphors. G is on trial for leading a crowd to frighten the legislature into passing a certain act. The shouts of the mob are admitted as res gestae. Lord and Lady Macbeth are on trial before posterity for murdering their kinsman, King Duncan, in their home while he is sleeping as their invited guest. On hearing of it next morning Lady Macbeth's first remark was: "What, in our house?" This is admitted as res gestae.

JOHN MCGOWAN.

## THE FORTUNES OF WAR

The sinking of the great passenger steamer Lusitania by a German submarine and the drowning of more than 1,000 people is an occurrence that has caused a profound shudder throughout the civilized world, and the German government is being severely criticised for indulging in warfare that thus endangers and sacrifices innocent human lives.

But there are two other sides to the picture which fair play demand we should consider in connection with this horrible occurrence. The first is that representatives of the German government in this country warned prospective passengers on the Lusitania not to take passage on that vessel, as she was in great danger. Advertisements were even inserted in the New York papers warning the traveling public not to take the risk, and it is said numerous letters were received by those intending to embark on the ill-fated vessel advising them not to take the chances.

All these matters were referred to in the newspapers at the time of the sailing of the Lusitania, and it is said to be a fact that not one passenger was turned back by the warnings given. They chose to take the matter lightly; placed their lives in the balance, and more than one thousand of them unfortunately were called upon to pay the forfeit. If they had heeded the warnings given the result would have been vastly different.

The other side of the picture to consider in the same connection is the loading of a passenger vessel with millions of dollars' worth of munitions of war for the enemies of Germany. Every bit of that cargo was contraband of war and justified Germany in the destruction of the ship. The British government's action in loading those munitions of war on a vessel that carried 1,500 passengers is but little short of criminal, for the British government knew Germany would destroy the Lusitania if there was any way by which that result could be attained.

The destruction of the Lusitania reflects no credit on the German nation. The shipping of those war munitions on that vessel reflects discredit on England, and the tragedy as a whole is typical of the desperation influencing the great European war.—El Paso Times.

Whenever a newspaper gives you a lot of free advertising in order to boom some concert, entertainment or some other special enterprise in which you are interested, keep track of the lines that are printed week by week and multiply that number by the regular advertising rates of the paper. Compare the results with the actual money value of any favor you get from any business concern. Then take into consideration the fact that advertising and circulation are the only two things that a newspaper has to sell. Now in these days of higher prices, how much do you think it ought to give away?—Ex.

Yuma city officials are making a search for the corner stone of the old penitentiary building. The contents, consisting of public documents, old coins and trinkets, when uncovered, will be placed on display in the Yuma Commercial Club rooms.

Pinal county will vote next month on a \$75,000 bond for a joint Union High School and an issue of \$150,000 to build good roads in all parts of the county.

**A Reliable Hair Tonic**  
It is an easy matter to prevent diseases of the scalp by using Meritol Hair Tonic. It should be used regularly to keep the scalp free of germs, as these germs are the cause of the majority of cases of dandruff and later, baldness. We are authorized to guarantee Meritol Hair Tonic. Safford Drug Co., exclusive Agency. Prices, 50c., \$1.00, adv-12-4t

Buy Gila Valley Grown Products.

## GREATEST HEROINES

Are "Our Mothers," to Whom We Owe More than We Can Ever Repay

When I read the pages of history of the great things which have transpired since the creation of man I am caused to marvel.

For great and powerful nations have been raised up; many discoveries and inventions have been made; disastrous battles have been fought and won; praise and honor for the leaders of these great events fill these pages of history.

I stop and ask the question: Truly are these the greatest of the human race? If not, who have won these honors? And the answer echoes back to me: No, not these, but "Our Mothers;" therefore, I take for the subject of my address: "Our Mothers." The greatest heroine in the world is the mother. No one makes such sacrifices or endures anything like the suffering she uncomplainingly endures for her children. It is she who takes the neck of the chicken that we may have the juicy wing or leg. It is she who remains home from the concert that we may have more money to spend. It is she who crushes her desire for pretty clothes, that her daughter may appear well. She is up with the first in the morning and retires when everyone else in the house is asleep. No matter how loving or thoughtful a father may be, the heavier burdens, the greater anxieties, the weightiest responsibilities of the home, fall usually upon the mother.

When we were stricken to our beds with a contagious disease and not one would dare come near us for fear of contracting the terrible malady, who places the cold water to our fever-parched lips? Who bends over us day and night, fighting with almost supernatural strength, the greatest of all enemies, death? Who places a cold hand on our fevered brow, smooths our tresses and softens our pillow? Who sent with almost unflinching faith, a prayer to God, the Father in Heaven, to teach us the principles of truth and right? Oh! the same sweet answer, "Our Mothers."

We can never show too much respect for our mothers. They earned this when they gave us our existence, to say nothing of their care and anxiety for us. How easy to say, "Mother, dear, I love you." A short sentence of five simple words. But Oh! what effect it has upon a tired and careworn mother, when spoken with affection. It lifts the burdens of life and brings sunshine to her soul.

A certain young man was asked who his sweetheart was, and he answered with pride, "my mother." No greater evidence can a young bride-to-be give in favor of the confidence she has in her betrothed, than these words, "Because he loves his mother, he will be good to me."

What a sad thing to see a boy return home from school feeling that he has risen above his mother, whose labors have helped to keep him there. Oh! what remorse when the ungrateful son is ashamed to take his little careworn and withered faced mother by the arm and introduce her to his classmates and professors, for fear her appearance will indicate that he had come of humble and lowly parentage. The first act of Garfield, after he was inaugurated president of the United States, was to kiss his aged mother, who sat near, and it was the proudest and happiest moment of his life. He was not ashamed to show that great mass of people that he loved and respected his mother, thus showing them that he gave her the credit for his success. Few men, indeed, have become great, who do not owe their greatness to a mother's love and aspiration.

Do not wait until our mothers have passed out of existence to buy flowers to strew on their graves, but buy them now, while they can see them, feel them and smell them. Help them to enjoy their beauty.

If you live near your mother, call to see her often. Let her feel your strong arm around her bent form. Let her know that you appreciate the many sacrifices she has made for you. If distance separates you from her, write to her often. Tell her what you are doing, the success you have had, and if you feel that she is due any of the credit for your success, don't forget to tell her.

Lincoln said, after he became president of the United States: "All that I am or expect to be, I owe to my aged mother."

How many of us have met an excursion train as it whirled itself into our city, carrying in its luxurious coaches the president of our nation. Hats are lifted, loud hurrahs fill the air, the band plays forth its melodious strains of music, while the gathered crowd tiptoe and stretch their necks to get a glimpse of the president. All because he has become famous. While in the assembled group stands unnoticed, many mothers, who have done more for our country than the president of our nation.

Does motherhood impair woman-kind for other things? Most assuredly not. For they can compete in intellect with man. Mothers have ruled nations.

It is strange that our mothers,



## Kitchen Economy

With wood or coal—waste heat. Too much or too little for best cooking. In hot weather too much heat coming out into the room.

With a good oil-stove—no waste heat or fuel. One burner or four—low flame or high—a slow fire or a hot one. All the convenience of gas for every home, all the year round.

## New Perfection Oil Cook-Stove

For Best Results Use Pearl Oil  
Better cooking—flame adjustable to just the degree needed for roasts, for bread, for pastry. No odor. Does not taint the food. A cool cook and a clean kitchen. Ask your dealer. See demonstration, Palace of Manufactures, Panama-Pacific Exposition.

STANDARD OIL COMPANY  
(California)  
Safford

the molders of the world, should get so little credit and should be so seldom mentioned among the world's archives. The world sees only the successful son, and the mother is a round in the ladder up which he has climbed, when in reality, she, with her love, her sacrifices and her smiling face, built for him an elevator, which has carried him body and soul to the top of the tower of achievement.

Have we stopped to think that a mother stands next to God Himself? She is a co-laborer with Him. He is the creator and she the producer of mankind. No human being can approach so near divinity as a mother. She has a never-dying love which lasts throughout life and throughout all eternity.

There is no love so strong as a mother's. Do we know the cause? Yes. It is because she places her own life upon destiny's platform as a toll for the life of her unborn. She goes down to the valley of the shadow of death to give him life. She cares for his every want while helpless. She teaches him to lisp his first prayer. She gives him the labor of her hands for his support. She pours into him ambition when discouraged. She buoys him up with her faith when he has failed. And at last, when he has done the big thing, he is applauded and becomes world renowned, and all forget that the little mother in the background is the real power behind the throne.

But she is in ecstasy. She has reached her goal. Sees the results of her labors and the beauties of motherhood, and with uplifted hands, thanks God that she is a mother.

Oh! I say, pity those who decline to become mothers, who absolutely refuse to perpetuate her species, who smother their motherly instincts and lust after the things of the world. Who hiss and mock the mothers who are filling the measure of their creation. And shame upon them, for they are denying the souls of mankind existence upon this earth; they are giving precious jewels for the filth of this world. Have they a greater right to refuse to create bodies for the spirit of God to dwell in than did the mother of Jesus, the Redeemer of the world? Emphatically, I say no. God bless the mothers of such men as George Washington, Abraham Lincoln and all great men of this and other nations, for they, too, had the privilege of refusing these great spirits their birth.

We now have a national mother's day and it deserves our heartiest support. The flower chosen as an emblem of motherhood is the white carnation. How fittingly it represents motherhood. Its whiteness for purity; its lasting qualities, faithfulness; its fragrance, love; its wild field of growth, charity; its form, beauty. Let us all unite this second Sunday in May wearing the chosen emblem, and in song and speech, honor "Our Mothers."

MRS. MINNIE NELSON.

Love is blind; therefore it fails to see the danger signals.

Fools oftentimes rush in and win while wise men investigate.

Adam had his faults, but he was never sued for breach of promise.

Too many people spend yesterday what they were going to save to-morrow.

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Your Child's Cough is a Call for Help

Don't put off treating your child's cough. It not only saps their strength, but often leads to more serious ailments. Why risk? You don't have to. Dr. King's New Discovery is just the remedy your child needs. It is made with soothing, healing and antiseptic balsams. Will quickly check the cold and soothe your child's cough away. No odds how bad the cough or how long standing. Dr. King's New Discovery will stop it. It's guaranteed. Just get a bottle from your druggist and try it.

## DIRE THREAT



Harry—Accept me, and I shall smother you with kisses.  
Kitty—And if I refuse?  
Harry—Beware! If you refuse I shall go to the end of the earth.  
Kitty—And then?  
Harry—Why, I will smother you with souvenir postal cards.

## THEY WERE LET ALONE



Agent—The house and barn go together. I can't let either of them alone.

Uptowne—Well, as I don't want them together, I'll have to let them alone, too.

## ONLY IN BOSTON



"Dey sez he's 'interlectual'!"  
"Golly, dat's fierce! Is it ketchin'?"

## THE ALIMONY



"Rickers is getting a divorce on the installment plan."  
"Installment plan?"  
"He has to pay a certain sum of money every week to keep it."

If ignorance were bliss most of us would be so happy we should choke. After marrying in haste many a poor man has to hustle during his leisure. Occasionally the preacher's aim is inaccurate and his sermon hits you.

## Behind This Bank

is a service that is prompt and sure, fair in its dealings, keen to learn the needs of its customers and eager to make its interests their own. We have every department known to banking, and our full resources of experience and equipment are at your disposal. We solicit your patronage on the ground of deserving it.

## The Bank of Safford

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SAFFORD. ARIZONA

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Ten years with General Land Office, Washington, D. C., and five years Receiver U. S. Land Office at Phoenix.

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**Hardware AND Harness**  
AT BARGAINS

We have the best General Merchandise and all kinds of Groceries, marked down to Lower Prices for Cash, and we give you part of our profits.

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A big assortment of Men's and Ladies' Ready-to-Wear. The Famous Hamilton-Brown Shoes.

Silver Collars for Men. Kabo Corsets for Ladies.

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Safford, Arizona

CRYSTAL ICE, BUTTER, PASTEURIZED  
CREAM AND CREAMERY SUPPLIES

## Agents for De Laval Separators

HIGHEST CASH PRICE PAID FOR  
...BUTTER FAT...

## Electric Rates

GILA VALLEY ELECTRIC, GAS AND WATER CO.  
SAFFORD, ARIZONA

### Lighting Rates

For a monthly consumption of 6.66 KWH or less .....\$1.00  
All in excess of 6.66 KWH consumed in one month .....\$15 per KWH

Electric current for electric irons, electric fans and other electric appliances, if taken from the lighting circuit, will be charged for at the lighting rates, provided, however, that a consumer may avail himself of a cheaper rate by installing, at his own expense, a separate circuit and meter, in which case the following rates will apply:

### Current for Electric Irons, Fans, Etc.

For the first 15 KWH consumed in any one month.....\$12 1-2 per KWH  
For the next 15 KWH consumed in any one month.....\$10 per KWH  
All in excess of 30 KWH consumed in any one month.....\$9 per KWH

### Power Rates, Day Service

For the first 100 KWH consumed in any one month.....\$10 per KWH  
For the next 100 KWH consumed in any one month.....\$8 per KWH  
For the next 250 KWH consumed in any one month.....\$7 per KWH  
For the next 250 KWH consumed in any one month.....\$4 per KWH  
All in excess of 1,000 KWH consumed in any one month.....\$3 1-2 per KWH

A monthly minimum charge of \$1.00 for one horse power or less, and 60 cents for each additional horse power of connecting load shall be made. This minimum, however, shall not be charged in addition to the above charges for current.

### Sign Lighting

Special rates can be had for sign lighting by applying to the office of the Company.

# PRINTING

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SAFFORD THE GUARDIAN